

TOWN OF NEW WINDSOR
Office Of The Planning Board
Wednesday, May 10, 2006 — 7:30 Pm
Tentative Agenda

CALL TO ORDER

ROLL CALL

ANNUAL MOBILE HOME PARK REVIEW:

A. SARIS MOBILE HOME PARK - UNION AVE.

ZBA REFERRAL:

1. **JOHN PIZZO SITE PLAN (05-32) RT. 300 & LITTLE BRITAIN ROAD (SHAW)**
Proposed office building.

PUBLIC HEARINGS:

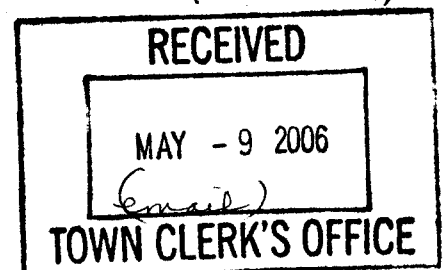
2. **FRANK & TANYA MESSINA SUBDIVISION (06-05) BEATTIE ROAD (HIGGINS)**
Proposed two-lot residential subdivision.
3. **HIGHVIEW ESTATES SUBDIVISION/L.L.CHG (06-09) PAUL COURT (ZIMMERMAN)**
Proposed four lot residential subdivision with lot line change.

REGULAR ITEMS:

4. **BONURA / JJ&H OF WALDEN INC. LOT LINE CHANGE (06-13) (SHAW) 2975 ROUTE 9W - Commercial Lot Line Change.**
5. **CRIPPLE CREEK REALTY LLC SITE PLAN (06-14) 2975 ROUTE 9W (SHAW)**
Conversion of 11,678 s.f. Food Service Establishment into Office Space with parking.
6. **TOM YU SITE PLAN (06-16) RT. 32 - VAILS GATE (DE KAY) Convert existing retail space into eating facility with 15 seats.**
7. **CLARINO PROPERTIES (06-13) RT. 300 (COPPOLA) Convert single family dwelling into office space with addition.**
8. **JACOPINO (for FARICELLIA'S MARKET) (05-12) WALSH AVE. (COPPOLA)**
Proposed two additional apartment units in a new second story on existing deli building.
9. **DAVID'S ADVANCE (BLYTHE) LOT LINE CHANGE (05-34) JACKSON AVENUE (CUOMO) Residential Lot Line Change.**
10. **MC ARDLE / MELROSE LOT LINE CHANGE (06-17) FORGE HILL ROAD (MC CARDLE)**
Proposed residential lot line change.

ADJOURNMENT

(NEXT MEETING - MAY 24, 2006)



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TOWN OF NEW WINDSOR

PLANNING BOARD

MAY 10, 2006

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
JOSEPH MINUTA

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

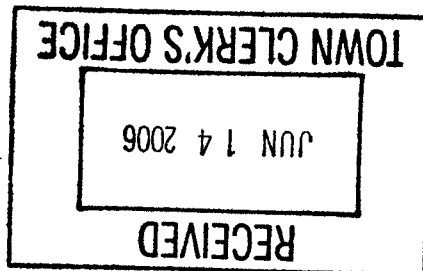
MYRA MASON
PLANNING BOARD SECRETARY

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

REGULAR MEETING

MR. ARGENIO: I'd like to call to order the May 10, 2006 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)



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ANNUAL_MOBILE_HOME_PARK_REVIEW:

SARIS_MOBILE_HOME_PARK

MR. ARGENIO: We're going to start out with the Saris Mobile Home Park up on Union Avenue. Somebody here to represent this? Nobody's here to represent this. I have a letter in my hand from William Horton, the assistant fire inspector, I'd like to read the content of the letter into the minutes as it relates to the Saris Mobile Home Park. The above-referenced mobile home park has continually ignored violations from this office and has refused to bring the park into compliance with the Town and State codes. Consequently, it is the consensus of this office not to renew his special permit for the year 2006. That's obviously a recommendation to the planning board. Now this is my first time in probably eight years on this board I've ever seen a letter like that, most of the time the owners have some minor difficulties and Mike helps them through it and that's it. So I'm one member on this board and I'm going to say we should not entertain a vote or a motion to renew his permit and I think unless Mike Babcock thinks any different, this should be referred to code enforcement in the Town and they need to seek whatever legal remedies they feel they need to to bring against them for compliance,

MR. BABCOCK: Last year he refused to come to this board and we wound up taking him to court and the judge ordered him to come here. So if that's what we have to do we'll do that.

MR. SCHLESINGER: I agree with everything but let's address it in a couple minutes, maybe he'll show up.

MR. ARGENIO: If he does that would be great.

MR. SCHLESINGER: Everybody else we usually put it at the end of the meeting so let's be fair to the man.

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MR. ARGENIO: You'll see that code enforcement gets it or follows through with it and we'll do whatever we have to do?

MR. BABCOCK: We'll take care of it.

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ZBA_REFERRAL:

JOHN_PIZZO_SITE_PLAN_(05-32)

MR. ARGENIO: ZBA referral, John Pizzo site plan, New York State Route 207 and 300. Somebody here to represent this?

MR. EDSALL: I'm not quite sure what the misunderstanding is, I know he's aware that we just have to refer it based on the new plan.

MR. ARGENIO: Well, we'll put that lower on the agenda, we'll go on to the next then.

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PUBLIC_HEARINGS:

FRANK_&_TANYA_MESSINA_SUBDIVISION_(06-05)

MR. ARGENIO: Public hearings, Messina minor subdivision, New York State Route 207. Somebody here to represent this?

MR. HIGGINS: I am.

MR. ARGENIO: You are sir?

MR. HIGGINS: David Higgins, Lanc & Tully Engineering.

MR. ARGENIO: Okay, this application proposes subdivision of the 6.2 acre parcel into two single family residential lots. The plan was previously reviewed at the 8 March 2006 planning board meeting. This application is before the board for a public hearing at this meeting. If you would put your plan up I'd like you to address the board first then we'll open it up to the public.

MR. HIGGINS: Good evening, my name is David Higgins with Lanc & Tully Engineering representing the applicants, Frank and Tanya Messina, they own a piece of land located here on the northwest corner of intersection of Beattie Road and New York State 207. The property's 6.2 plus or minus acres located in the R-1 rural residential district where the minimum lot sizes required are 80,000 square feet, there's an existing dwelling where Frank and Tanya live, existing driveway, well, septic system on this side of the lot and what's being proposed is to subdivide the parcel into two lots for a residential home on lot 2. The 2 lot sizes are just under 3 acres, lot 2 is just slightly over 2 1/2 acres in size. The new lot is proposed to be serviced by a subsurface sewage disposal system and individual drilled well. We conducted some perc tests and some deep soil tests, those tests were

witnessed by the Town engineer's office and design was submitted for review. There's a proposed driveway coming out to Beattie Road, we supply the sight distances for the proposed driveway looking to the right coming out of the driveway, you'd have a distances 665 feet, looking left you can see 350 feet which is right to the intersection. I know we provided some details on sheet 2 for the, related to the septic and construction of the driveway entrance in accordance with the Town requirements and also provided some standard details for erosion control for the construction of that lot. Total sight disturbance for lot 2 proposed is 0.67 plus or minus acres.

MR. VAN LEEUWEN: It's a nice spot, I live on Beattie Road, I know.

MR. SCHLESINGER: Septic for the existing house, how is that location to the lot line?

MR. HIGGINS: How is it to the--

MR. SCHLESINGER: The existing house has a septic, is that correct?

MR. HIGGINS: Yes.

MR. SCHLESINGER: Where is that?

MR. HIGGINS: Existing septic is right here.

MR. SCHLESINGER: Okay.

MR. HIGGINS: Our office actually did the design for that some years ago.

MR. ARGENIO: Well within the setback lines.

MR. SCHLESINGER: That's okay, I didn't see it.

MR. ARGENIO: On the 24th day of April 2006, 18 addressed envelopes went out with the public hearing notice for this application. If anybody is here and would like to speak for or against or comment on this application, please raise your hand and you'll be recognized and come forward, state your name for the stenographer.

MR. SCHLESINGER: Nobody's here, I'll make a motion to close the public hearing.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that we close the public hearing on the Messina minor subdivision. If there's no further questions, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I have a couple of things real quick, we need to, we have taken lead agency on this, we need to act under SEQRA so unless anybody feels differently I'll accept a motion for negative dec under the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec under the SEQRA process. If there's no further discussion from the board members, roll call.

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ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. MINUTA AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Myra, have we heard back from Orange County Planning?

MS. MASON: Yes, I believe we did.

MR. ARGENIO: I don't see that here.

MS. MASON: Local determination.

MR. ARGENIO: Okay, great, so we've heard back from Orange County Planning under the law local determination this needs to be referred to them, we cannot act until we get a response from them but we do have a response. Municipal highway was approved on 3/9 of 2006, fire was approved on 3/7 of 2006. You have done, you have made the corrections that Mr. Edsall had requested, sanitary designs, he witnessed the perc tests, shallow and deep, does anybody have anything else?

MR. VAN LEEUWEN: Make a motion to approve.

MR. MINUTA: One question with regard to the sighting of the proposed dwelling, I was wondering why we have such a limited back yard and such a grand front yard? Last part of that is I've come across a lot of these and people ultimately want to add on to the house, this land locks everything into a zoning board to do anything, if we want to put an addition on.

MR. ARGENIO: You have the benefit of having been on

the zoning board, probably seen too many people come in with a house that's too close to the setback limit and when they go to make an addition they have to go to zoning.

MR. VAN LEEUWEN: Only one thing wrong if he moves that house up front the house next door looks right in his back door, that's probably the reason why he did it.

MR. ARGENIO: Even more importantly than that the homes are within the setback limits and he's conforming.

MR. MINUTA: He does conform, I just raised the question.

MR. ARGENIO: What was the other thing?

MR. MINUTA: The sighting.

MR. HIGGINS: The reason for the location was as the board member had indicated they didn't want to have this sit up front so that when you come out the front porch they look at the rear yard of the one house.

MR. EDSALL: The house location shown on the plan doesn't mean they couldn't move it as long as they put it within the building envelope and they have gravity flow to the septic system they can move it.

MR. VAN LEEUWEN: They do have gravity flow.

MR. EDSALL: There's no restriction that they couldn't move it forward or sideways as long as it's within the proper envelope.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: Motion to approve, Mr. Chairman.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board grant final approval to the Messina minor subdivision on Route 207 and Beattie Road subject to the descriptions and offers of dedication being submitted to the Town attorney, the Town engineer and the planning board for review and subject to showing 911 numbers on the site plan. If there's no further discussion, did I miss anything?

MR. EDSALL: Fees.

MR. ARGENIO: If there's no further discussion, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Let the record reflect Mr. Krieger has joined us, we have proper counsel.

ZBA_REFERRAL:

JOHN_PIZZO_SITE_PLAN_(05-32)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: This application proposes development of a 3,300 square foot office building on the triangular parcel as it's been known in planning board lore, lore, now law, does everybody know where that is?

MR. MINUTA: Landmark.

MR. ARGENIO: Near the Times Herald Record building on 207 where Duggan, Crotty & Dunn's office used to be, that little landlocked parcel there. He's here for a referral to the ZBA tonight because he's going to need some variances to get this project off the ground. With that, Mr. Shaw, the floor is yours.

MR. SHAW: Thank you. Mr. Pizzo retained my services probably I'd say at the end of 2005 to come up with a realistic plan that could be built on this parcel taking into account as you said it's quite unique, it has three front yard setbacks, no rear, no one side, no both sides and what I did was I put together a plan for a one story office building for about 3,300 square feet that represents a required parking of 22 spaces, the plan that's before you provides 24 so we're fine in that respect. We're going to have to go before the Zoning Board of Appeals as you said, that's why we're here for a referral cause we're deficient with our lot area, we have a little less than 35,000 square feet and we're obligated to provide a full acre which is 43,560 and the fact that our front yard setback of 45 feet the best we can do is 30 feet and then finally development coverage we're allowed a maximum of 20.

MR. ARGENIO: Greg, which front yard are you referring

to?

MR. SHAW: That's a good question, we're providing 40 feet on Little Britain Road, 37 feet on Temple Hill Road, 30 feet that's the most critical, that's what we're asking the variance for on 207. So with development coverage we're going to need a variance for that also. Working on this site is quite unique and I think as you expressed it's got quite a history before you, because we front on three DOT highways, it was imperative to come up with a highway entrance and storm drainage system that would be satisfactory to the DOT, so before I came before this board, I made that submission about 7 weeks ago to the permit officer on Dixon Street and about 7 weeks later I get back a response that the entrance is satisfactory, the sight distance is satisfactory and the underground storm water detention system is satisfactory. So with that in hand, the next step is to get a referral to the zoning board to try and attempt to get the necessary variances and if we're successful to return back to this board and get site plan approval.

MR. ARGENIO: The water quality basins.

MR. SHAW: There is none, there's no water quality.

MR. ARGENIO: What are you calling those?

MR. SHAW: What we're calling them is underground detention, it's 400, I forget the number, 4 or 500 feet of 30 inch pipe that we'll be storing the water in because the entire parcel is less than an acre, SPEDES requirements does not kick in, therefore, we do not have to provide any water quality measures, it's strictly storm water detention.

MR. ARGENIO: Help me get educated just a little bit, under an acre it's storm water detention and you have to hold it for a certain period of time before you

discharge it.

MR. SHAW: Well, very simply is when you go over an acre you need a SPDES permit and that kicks in the whole host of regulations, two of which are water quality and storm water detention, which do nothing through the one acre threshold which we do not in this particular case we do not need a SPDES permit so all the DEC issues now are not relevant, what is relevant is that it goes into the state's drainage system and to make sure that they're satisfied that we're not overtaxing their drainage system.

MR. ARGENIO: The question I want to ask again is the, it's not a trick question, when you talk about the retention it's, I'm assuming it's a timing threshold for retention of the water, are there environmental people driving that or is it the state driving it?

MR. SHAW: It's the state cause the state has a certain capacity in their drainage system and they're basically taking the position of you just can't create impervious area and let it flow.

MR. ARGENIO: You're going to release it in a timely fashion at a rate that their system would handle the discharge.

MR. SHAW: Correct and as long as we do not exceed the pre-development flow they're satisfied.

MR. SCHLESINGER: How do you control the rate?

MR. SHAW: At the end of this pipe, there's a large catch basin and in the middle of this catch basin there's a wall and then in this wall is I believe in this particular case a two inch diameter hole at the bottom and up a little bit, I think we have a weir so when the water flows into the drainage system this two inch the water backs up against this wall, it goes out

the two inch hole, it backs up the rest of the water into the pipe, so during the rainstorm, the pipe will now fill up, if you had an excessive storm, it will flow over this weir that's in the wall and go out the door or under a normal rainfall when it stops the pipe drains out again through the two inch hole in the wall again all into the state drainage system.

MR. ARGENIO: It's a big long tank for lack of a technical term.

MR. SCHLESINGER: I think the new code calls, you have to have a water purification system, how is that addressed?

MR. SHAW: We're not disturbing over an acre.

MR. ARGENIO: He's below the threshold.

MR. MINUTA: This is one project the hydrology seems to work, the functionality seems to work in that way, this is a landmark site, this is without a doubt something we all know about the shape of the lot, et cetera, this is one project probably the one project one in particular that's sort of backwards to me at this point due to its location, due to its citing this really requires a landmark structure as a building, to meet form and function is wonderful and we need to do that as a bare minimum but for this particular site, the building itself I would definitely want to see what that is going to be, what it's going to look like, this is a high profile area and it's also off the, it's in the OLI and PI zone, it's part of the strip that we're calling Temple Hill Road Freedom Trail, so I really think with relation to the, there's another glass building down the road, I'm hoping that that's being considered.

MR. ARGENIO: Let's take that issue and I think it's something I want to come back to and I do want to come

back to it, let's take that, put it aside just for a moment. What about the rest of the package here, does anybody else have any significant issues? I'd like to see it developed, it's an eyesore and it's been for many years.

MR. SCHLESINGER: Joe's point is good but on the other hand, Greg's here for referral and I'm sure that Greg will listen to our comments again and I'm sure he will address them appropriately.

MR. SHAW: No, you're right, without the variances there's really nothing to talk about. Hopefully I'll get them. I will pass your comments on to the owner and when we come back for site plan approval, it's an issue that we're going to have to talk about.

MR. ARGENIO: In a historic zone here?

MR. SHAW: I don't know the answer to that.

MR. EDSALL: Yes, it is.

MR. ARGENIO: Check that out and--

MR. BABCOCK: We looked at the map.

MR. ARGENIO: That triggers a bunch of other things but we're not going to get into that because you have to go to zoning and again, I agree with Joe, with what Joe said with his point about I think we're, certainly it's got to go to the zoning board, you need to show us elevations here. Having said all that--

MR. VAN LEEUWEN: I'd like to see a picture of what the building is going to look like.

MR. ARGENIO: That's what Joe's asking for.

MR. VAN LEEUWEN: Kind of a drawing of the building, a

rendering of the building itself.

MR. MINUTA: Rendering or elevations?

MR. VAN LEEUWEN: I want a rendering cause it's in the historic district.

MR. ARGENIO: Little bit more than what I had asked for but again we're ahead of ourselves, he's got to go to the ZBA being in a historic zone triggers other things with the state.

MR. SHAW: It's also a very visual site.

MR. ARGENIO: I'm sure your client recognizes that so let's not beat this to death because we're going to have plenty of other opportunities to see it but as I said to you at other meetings, Joe, if we're going to be looking for something like this it's good to notify the applicant early. Having said that, Neil?

MR. SCHLESINGER: I think that what we do is we make a motion that the Pizzo site plan is incomplete and that I guess it needs to be referred.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Pizzo site plan is incomplete at this time and we're sending you to zoning with a favorable recommendation from this board and if there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

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MR. ARGENIO: We'd like to see something happen on this lot and Joe's our resident expert with the aesthetics and Henry's got good input. Good luck to you.

MR. SHAW: Thank you.

HIGHVIEW_ESTATES_SUBDIVISION/L.L._CHANGE_(06-09)

Mr. Jerald Zimmerman appeared before the board for this proposal.

MR. ARGENIO: That's Romeo and Diaz properties on Paul Court off Toleman Road. This application proposes lot line revision followed by the resubdivision of each lot and the construction of a private road to serve the resultant four lots. The plans were previously reviewed at the 8 March, 2006 planning board meeting. The application is before the board for a public hearing at this meeting. Mr. Zimmerman, is that right?

MR. ZIMMERMAN: Yes.

MR. ARGENIO: Mr. Zimmerman is here to represent this, if you would address the board, Mr. Zimmerman, and then we'll open it up to the public.

MR. ZIMMERMAN: Okay, as you've indicated, this is an application by the subdivider, Highview Estates, two existing lots that each are five acres in size, when you put them together, actually they're together as lots 1 and 2 on a previously filed map, they're ten acres in total and what we're proposing to do is subdivide those, that 10 acres into two additional building lots, as the plan indicates, lot 1 contains the existing dwelling and lot number 4 contains the other existing dwelling that currently exists on the 10 acres. And what we're looking to do is create two additional lots, lot numbers 2 and 3 which would be served off of a town road which is Paul Court and we're proposing to access those two lots with a private road and cul-de-sac that would serve the two new lots, lots 2 and 3, the existing lots lot 1 and 4 have their frontage and access from the existing Town road, Paul Court. Basically, that's our application.

MR. ARGENIO: Let me ask something, you're representing

Mr. Biagini?

MR. ZIMMERMAN: Correct.

MR. ARGENIO: Who is the current owner of the property?

MR. ZIMMERMAN: The current owners of the property that we show as filed map lot number 1, one of the lots is where the people currently reside is owned by Romeo and the other lot, the other five acre lot is owned by Diaz.

MR. ARGENIO: Does somebody here have a proxy to represent these folks?

MR. ZIMMERMAN: We submitted that.

MS. MASON: It's in the file.

MR. ZIMMERMAN: I submitted that with the application.

MR. ARGENIO: Joe, go ahead, I'm sorry.

MR. MINUTA: I'm just refreshing my memory on this, this was before us previously when?

MR. ARGENIO: 8 March, 2006.

MR. MINUTA: And the history behind that is that it was already subdivided, it's a new subdivision and we're coming back for a secondary subdivision on that, correct?

MR. ARGENIO: Mark, can you shed a little light on that to help Joe? We certainly see a lot of applications here.

MR. EDSALL: I don't know that there's a need to go through all the history of some things that happened that weren't quite desirable but at this point it's a

resubdivision of two lots to create a total of four lots but to geometrically to make it work they have to do a lot line change first.

MR. MINUTA: This was not part of the original subdivision for what reason?

MR. EDSALL: Their choice, they must of anticipated potential but not included it in the application.

MR. ARGENIO: At this point, I'm just kind of reading through the comments here, this is a lawful subdivision Mark as you said, let's not drag up a lot of old stuff, that's a lawful subdivision at this point, the application's in order.

MR. EDSALL: As I understand it both applicants have signed the application, they have authorized by proxy Mr. Zimmerman to represent the application so yes.

MR. MINUTA: What did Orange County Planning have to say if anything?

MR. ARGENIO: Does this need to be referred to planning, is there anything, any thresholds here that trip that, Mark?

MR. EDSALL: I made it as a comment to verify it doesn't, I don't believe that they're within 500 foot of any item that would require referral.

MR. ZIMMERMAN: Correct.

MR. SCHLESINGER: Is the applicant here for a lot line change or public hearing?

MR. ARGENIO: Here for public hearing but I'm going to open this.

MR. SCHLESINGER: Well, what comes first?

MR. ARGENIO: Ask whatever questions they may have about it so we can get familiarized with it and have the public hearing.

MR. ZIMMERMAN: Application we made was as the plan is entitled it's for a lot line change and subdivision, the first sheet does show where the existing lot line is that creates the original two lots and the balance of the sheet shows the subdivision so as we're, the application that we submitted was for lot line change and subdivision.

MR. VAN LEEUWEN: Jerry pointed out why can't you take all the, you've got two driveways going out on Paul Court, put them on the private road.

MR. BABCOCK: They're existing, the driveway on lot 4 and the driveway on lot 1 are existing houses with existing driveways, they're in place, people are living there, those are the two people's names that he mentioned they live in those two houses.

MR. ARGENIO: And we have a proxy from them?

MR. BABCOCK: They own the 5 acre lot, both of them had a 5 acre lot.

MR. EDSALL: That's still an option of the highway superintendent for him to approve the private road, he may require that those two driveways move over.

MR. ARGENIO: We actually have highway, Henry, I'd like to open this up to the public, see if there's, again, Myra has just pointed out that we do have the proxies here in the back of the file, so I know, I'm thinking about that. I'd like to open it up to the public, get a little input and certainly open it up back to the board if anybody has any additional questions. On the 24th day of April, 2006, 18 addressed envelopes went

out announcing a public hearing is going to be held at this meeting for the Highview Estates minor subdivision. If there's anybody here that would like to speak for or against or comment on this subdivision, please raise your hand, be recognized and we'll give you the opportunity to speak. Let the record reflect that nobody has raised their hand.

MR. SCHLESINGER: Make a motion to close the public hearing.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing or the Highway Estates lot line change. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Now I'm going to open it back up to the board, let's keep in mind guys that what we're looking for tonight is preliminary approval of these plans because this applicant has to go to Department of Health. Is that right?

MR. ZIMMERMAN: Yes.

MR. ARGENIO: And what the preliminary approval does it triggers him to go to the Department of Health, it's not a final approval, so if you had some other questions or other comments we're certainly going to have an opportunity to take a look at this again.

MR. VAN LEEUWEN: Does this have to go to the County?

MR. EDSALL: Health Department because timing wise.

MR. ARGENIO: Not planning?

MR. EDSALL: Not planning but timing wise it's within the time period where you have to count all the lots.

MR. ARGENIO: I thought you were referring to Orange County Planning.

MR. ARGENIO: I'll accept a motion to declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning board declare itself lead agency on the Highview Estates minor subdivision. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: Make a motion for preliminary approval.

MR. SCHLESINGER: There's existing underground utilities on lot 4?

MR. ZIMMERMAN: I believe so, yes.

MR. SCHLESINGER: And how far do those underground utilities extend, do they extend into the other lot?

MR. ZIMMERMAN: Well, of course the Town road and the existing house we also have the benefit--

MR. SCHLESINGER: Lot 4 there's a two story house.

MR. ZIMMERMAN: Existing house on lot 4.

MR. SCHLESINGER: Existing underground utilities coming out of the house, see it right there?

MR. ARGENIO: That's probably power, Neil.

MR. EDSALL: You would, that would have to be relocated either onto their property or within an easement and the applicant will be reminded that any easements are subtracted from the area so you may need to, may end up moving those.

MR. ZIMMERMAN: Honestly I think that's just a drafting thing, it's an error on the plan.

MR. SCHLESINGER: Okay, I'll second that motion for preliminary approval.

MR. ARGENIO: Also Neil just so you know I think I read it in but if I didn't we have highway approval, we do have 911 and do have fire approval again this motion has been made and seconded that we grant Highview Estates minor subdivision lot line change preliminary approval. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE

MR. ARGENIO AYE

MR. MINUTA: With regard to the, are we doing SEQRA on this as well?

MR. ARGENIO: We're going to go to that next.

MR. MINUTA: May I suggest that we hold that for the final?

MR. EDSALL: You can't do it, theoretically, the reason why we're going to, if you do decide to do a negative dec tonight, fine, if you decide not to, you shouldn't have the preliminary.

MR. ARGENIO: What do you think would, I don't understand what would trigger a positive dec on it?

MR. MINUTA: I don't know, there's the issue of the subdivision previously being done and being redone, there's other issues with regard to this that I just don't have clarity on it at this point.

MR. ARGENIO: Mark, is that a SEQRA issue those things?

MR. EDSALL: No, again, there's under the classification of water over the dam, I think we have dealt with some of the previous situations, there were some problems with this subdivision plan in its couple generations, we've worked that out with Jerry as far as I can see the plans submitted currently meets the zoning law.

MR. ARGENIO: I also have a letter from the Town attorney saying that he's reviewed this and if I can find it, I'll read it to you that things are in order, Mr. Biagini stopped by my office on 2/28/06 and said he had spoken to you and it's okay to accept the paperwork for the subdivision off Paul Court known as Romeo Diaz subdivision, please let me know if this is acceptable

and I will process the paperwork for this application.

MR. MINUTA: So Mr. Biagini stopped by, not the owners?

MR. ARGENIO: And I also have a proxy from him from the owners here saying it's okay for him to speak for them.

MR. MINUTA: That's fine, thank you.

MR. ARGENIO: Okay, so I'd like to proceed Mark unless correct me if I miss anything, proceed with the negative dec if somebody--

MR. VAN LEEUWEN: I'll do that.

MR. SCHLESINGER: Second it.

MR. ARENIO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec on the Highview Estates minor subdivision. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

REGULAR_ITEMS:

BONURA/JJ&H_OF_WALDEN_INC._LOT_LINE_CHANGE_(06-13)

MR. ARGENIO: Commercial lot line change, somebody here to represent this?

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: Now for the benefit of the members, I believe that item number 4 and 5 Joe are tied together those two items?

MR. MINUTA: Mr. Chairman, I'm sorry?

MR. ARGENIO: I was saying items 4 and 5 are tied together, we're going to review them as separate items, one is I believe a lot line plan and the other one is conversion of the building to an office building. The first application proposes conveyance of about 16/100 of an acres from lot 87.11 to lot 81. Mr. Shaw?

MR. SHAW: Thank you. As the chairman mentioned, this is a prelude to the next application where we'll be requesting site plan approval on the subject parcel but to make that happen, we have to give the property a little bit of extra land, the property we're talking about is a parcel owned by Joe Bonura formerly the Plum Point Caterers, the other parcel that's part of this is the parcel to the south, J J & H of Walden Inc. also owned by Mr. Bonura and what we're proposing to do is to convey 16/100 of an acre from the land owned by J J & H of Walden Inc. to the parcel of land owned by Mr. Bonura and then at that point combine the three existing lots which presently comprise the parcel upon which the building formally Plum Point Caterers sits. There are three parcels, I don't know why, that comprise this parcel, we're asking to consolidate it under one parcel as part of this application and to

combine to that 16/100 of an acres on the parcel owned by J J & H of Walden Inc.

MR. VAN LEEUWEN: Two lot line changes.

MR. SHAW: Really just one lot line change and a combination of the three parcels into one. Two things I'd like to point out with respect to the parcel which is going to be conveyed over J J & H of Walden Inc. has reserved a right-of-way, it's a 45 foot right-of-way and utility easement through the parcel which is going to be conveyed to Mr. Bonura in order to access this parcel to the back and again we'll get into that in the next application but there's a right-of-way which is reserved out which will be the access onto 9W for this parcel which is to the south and to the east of Plum Point Caterers. And finally part of this application is that there's a proposed small grading easement and utility easement to allow some of the utilities which will be part of the application for the development of the Plum Point Caterers site to grade on to the property of J J & H of Walden Inc. It may be a little more complicated than I realize because I wanted to cover some points, the major point being that access to this parcel will be over this land which is conveyed so it will be a combined entrance of this parcel of Mr. Bonura and parcel of J J & H of Walden.

MR. ARGENIO: I got a couple things and maybe some of the members are thinking about the same thing, Mark, let me ask you this, let's have this stand alone and let's assume that the next pitch that Mr. Shaw gives us let's say the applicant decides I don't want to do that at some point in time this access that Mr. Shaw's proposing is lawful and legal and acceptable to the DOT, if I remember, there's a huge gigantic curb cut there, the whole thing's wide open.

MR. EDSALL: This application as you're looking at this moment has no physical construction or changes, it's

purely a lot line change, it's a paper deal and I would suspect that they're probably not going to file this lot line change unless the site plan gets approved, why go through the gymnastics unless the site plan goes forward.

MR. ARGENIO: We have the note number 4 refers to the public hearing and there's four other people that sit here with me, I'm only one guy, I'd like to see how they feel about the public hearing and then I'll tell you what I think about it.

MR. VAN LEEUWEN: For the lot line change I don't see it's necessary.

MR. SCHLESINGER: I agree.

MR. MINUTA: No.

MR. BROWN: I don't think it's necessary.

MR. ARGENIO: I feel the same way and if we feel so inclined to the next application is the one that involves conversion of the building we're going to have a public hearing we'll have it there if we're going to have it we'll have it there and we'll talk about that when that comes. You're going to have to go to Orange County Planning, you know that, I don't have to tell you that. Does anybody, I have some things I think we can get through relatively easily but anybody have any other questions about this?

MR. VAN LEEUWEN: I don't.

MR. SCHLESINGER: No.

MR. VAN LEEUWEN: Pretty much cut and dry.

MR. MINUTA: I don't really. Can you just, what's the overall reason for this, the two lots are going to

become which?

MR. SHAW: Very simply in the next application we're going to be coming in for the utilization of Plum Point for an office building, with that we have to comply with the parking regulations, there's presently not enough land on this parcel as it presently exists to provide the necessary parking so therefore we have to add land from here to here in order to provide the parking to satisfy the Town. That's the sole purpose of the lot line change.

MR. ARGENIO: They have the luxury of owning both lots so it's better to do the transference of land or to start talking about zoning.

MR. MINUTA: This is a lot cleaner to understand, thank you.

MR. ARGENIO: I'm going to go through some procedural things here. Planning board may wish to assume position of lead agency.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency under the SEQRA review process for the Bonura J J & H lot line change. If there's no further discussion from the board members, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE

MR. ARGENIO AYE

MR. ARGENIO: I am of the opinion that this is minor in nature, if everybody agrees, I'll accept a motion we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Bonura J J & H lot line change on Route 9W. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. MINUTA AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: That's it. Is there anything else that we can do with this application?

MR. EDSALL: Did you go ahead and waive the public hearing or did you just discuss it?

MR. ARGENIO: I'll accept that in the form of a motion.

MR. VAN LEEUWEN: So moved.

MR. EDSALL: You should waive both the preliminary and final public hearings.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that

the New Windsor Planning Board waive the regular public hearing and the final public hearing on the Bonura J J & H lot line change, if there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: You wanted to have the options open.

MR. ARGENIO: Anything else?

MR. EDSALL: No, I have prepared the referral for the County Planning and Myra's got it and with your approval we'll send it out tomorrow or whenever.

MR. ARGENIO: Tomorrow would be good, okay.

CRIPPLE_CREEK_REALTY_LOT_LINE_CHANGE_SITE_PLAN_(06-14)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: This is the application to convert the catering facility to an office building. I'm going to read the application. This application proposes conversion of the existing catering facility to an office building. The plan was reviewed on a concept basis only so we're looking at this from a conceptual point of view, it's a use by right. Greg, you can give us a run-down on this please and then we'll discuss it.

MR. SHAW: We spoke about the incorporation of the parcel from J J & H of Walden Inc. into this overall site and again it's in this general vicinity. I mentioned to the board that the reason for such is in order to comply with your zoning and your parking spaces we needed more land, we could not provide enough parking for this building as an office with the present three lots as they were structured, so what we have done is we have acquired this parcel of land when added to the parcel of Mr. Bonura we'll now be able to provide parking. If you just refer to the parking table this is important we're obligated to provide 78 spaces, we're providing 82 at this point in time, you may not always have 82, if this roadway ever does get extended into the lands of J J & H of Walden Inc. we're going to lose four spaces so I noted on the plan that these extra four spaces very well may be deleted upon the utilization of it for access to the parcel to the east, otherwise, the board would approve 82 and would want 82 even though 78 is only required so that's a small point. Let's talk about the highway entrances. Presently, we have a wide swath of blacktop in front of the building and a very large curb cut, this is not in the best location. What we propose to the DOT and I have dropped off the drawings for their initial review is to create a new curb cut to the south of the

existing location, in order for that to happen, we're going to have to remove a portion of the center median that separates the north and the southbound lanes and in front of the building we're now going to remove that blacktop and we're going to make that a landscape area with a sidewalk coming into the two front entrances. The DOT may very well want the median which is on the north side to be extended to the south, I will let them tell me that as opposed to proposing that. And what we're proposing on the southerly boundary of the parcel is another entrance which is strictly right turn in right turn out on the drawing we have indicated the sight distances and they're more than adequate.

MR. ARGENIO: What's required to the north from the upper northern entrance, what's required?

MR. SHAW: I don't have that information before me now but we're providing as you're leaving the site looking to the south we're providing sight distance of a little under 1,600 feet and as you're looking to the north it's 615 feet. We have submitted before you a full set of plans, we're going to be resurfacing the entire existing parking area, we're going to be adding new macadam pavement, going to be adding new site lighting, new site landscaping, it's going to be an attractive site when we're done. The applicant is Cripple Creek Realty and the tenant is going to be Mobile Life, they're going to be moving their large part of their operations into the building.

MR. ARGENIO: Are we going to have sirens and things of that nature there, what's the deal, ambulances?

MR. SHAW: This is Tim Scannell who represents Mobile Life, he may be able to give you a firsthand and Kevin Hayes, Director of Operations.

MR. SCANNELL: No, this building will strictly be offices, a dispatch center and business office,

administrative offices and dispatch center, there will be no units there, there will be no sirens, we're going to keep, we have an office, a large office on Dixon Street in Newburgh which is about a mile to the north, we're going to keep that as our operational area or operational center and keep this strictly as offices.

MR. ARGENIO: Would you take exception if I asked Mr. Shaw to put a note on the plans that there be no active ambulance operations in that area?

MR. SCANNELL: I can't, I mean, I wouldn't take an exception, no. The only thing I will say with all honesty is if we have an ambulance there and it happens to be sent out, we can't guarantee, that's all I'm saying, we will not house ambulances there.

MR. ARGENIO: The regular operation, the day-to-day operations does not involve ambulances coming in and out?

MR. SCANNELL: That's correct.

MR. ARGENIO: Something to that effect.

MR. SHAW: I'll come up with some wording that will satisfy Mark.

MR. MINUTA: Will there be any towers for your communications?

MR. SHAW: That's our next point, we're providing a 35 foot high tower on the east side of the building that's within your zoning ordinance, just short of that where it falls into a cellular tower takes in a whole bunch of very difficult operations, so I believe it's 35 feet is the limit and just keep it from the rear yard setback.

MR. BABCOCK: Thirty-five, yes.

MR. SHAW: That's fine, that's consistent with your zoning.

MR. MINUTA: That tower will be solely used for their purposes?

MR. SHAW: Correct, we have to have access to Mt. Beacon.

MR. ARGENIO: Let me just interrupt you one second, Neil, and I think Joe is on to something good, you're not going to be renting space on that tower to anybody?

MR. SCANNELL: Correct.

MR. SCHLESINGER: Purpose of the generator next to the tower in the event of an electrical failure that will keep your towers active, is that the purpose of the generator?

MR. HAYES: Yes, our entire Communications Center would move that, we're a secondary for 911.

MR. SCHLESINGER: That's only used in time of emergency but obviously there's I guess maybe a sound factor or a cosmetic factor there they want to address. My other question asks under the pre-existing use I guess the last time it was used as catering, is that correct?

MR. SHAW: I believe so.

MR. SCHLESINGER: What was the access egress, where was that into the front of the building?

MR. SHAW: Primary is into the front and this is a secondary means of exiting the building.

MR. SCHLESINGER: But the parking area was still where it is now where you show the parking now but the people

had to drive into the front of the building and then make a turn into the parking area.

MR. SHAW: I'm not sure I understand the question, for the most part, people would just pull up in front of this building and back out onto the state right-of-way.

MR. SCHLESINGER: I don't want to make it sound as if it's worse but I just wanted to make sure 9W bothers me and I just wanted to make sure that we're making the situation better than it was.

MR. SHAW: Well, what we're doing we're getting rid of all this macadam and we're going to create a lawn and a landscaped area through here, we're not proposing to use any curbing along here, we're just going to let the macadam shoulder exist, have it do what it is presently doing but that's our proposal, the DOT may look at it differently.

MR. SCHLESINGER: My concern is more if you have a vehicle going south on 9W how are they going to entrance into the property?

MR. SHAW: They would come down, this median is going to be removed, they'd make a left-hand turn coming in.

MR. SCHLESINGER: There's no left turn lane there?

MR. SHAW: Correct, there's no left turn along anywhere on 9W.

MR. SCHLESINGER: And there never was before?

MR. SHAW: Correct.

MR. SCHLESINGER: So we're not making matters any worse but we're not making it significantly better.

MR. SHAW: What we really have we're making it better

because vehicles will now not back out onto the right-of-way to take off, right now, there's an existing entrance in the median where vehicles would basically pull in and work their way over to the existing parking lot or park in front of the building, with us moving the new entrance to the south we're moving the median.

MR. ARGENIO: I just want to say something about this 9W thing and I think that the two-lane highway known as New York State Route 9W going through the New Windsor Planning Board is awful, like Neil does, like Joe does, I'm sure Howard does too, it's awful, State's going to be repaving that road this summer from somewhere up near where Petro owns that gas station all the way down to Cornwall, in my opinion, this is the way it is now is not your plan, Mr. Shaw, but the way the site is now is willy-nilly, it's a 200 foot long drop curb, people come in and out wherever they want. So certainly it's not ideal to have people crossing 9W but I think this is an improvement, you're controlling the access and the state is going to have the opportunity to review this to see that your recommendations are in conformance with their traffic formulas. And I think that it's going to be an improvement and I think we're going to be looking for the state input from the state, matter of fact, I'm going to get to item 6 right now which doesn't mean we're done discussing this but we're, you can talk about this, I suggest the board authorize referral to the New York State DOT changes to the northerly access and proposed revisions to the highway center median break can begin, somebody want to--

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made seconded to refer this to the DOT so they can have a chance to review

this with their professional in Poughkeepsie. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. MINUTA AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: Neil, I interrupted you, certainly continue if you had some other things.

MR. SCHLESINGER: The only question I had is a matter of formality, I'm not sure, my question is are we allowed to put parking spaces on an easement?

MR. EDSALL: Absolutely and I believe to be honest with you Greg and I talked about that at workshop, the parking count is such that if they use that access and spaces need to be eliminated those are excess spaces.

MR. SCHLESINGER: He's still conforming but I just wanted to make sure we can put them.

MR. EDSALL: The wording of the access easement would indicate those spaces can be eliminated.

MR. ARGENIO: We're certainly going to see this again, this is not near done, state's going to certainly have comments on this.

MR. MINUTA: I'd just like to say that I think it's an excellent application and the use is well thought out and I concur with Neil, I do have an issue with the southbound lane but I think overall it's really put together very well.

MR. SHAW: Thank you.

MR. ARGENIO: You have a tough spot with the two lanes north and south, address that, but that's what we have and the state's not going to globally change that highway in the next couple of years to make it as safe as we'd all like to see it.

MR. VAN LEEUWEN: That used to be a Dodge agency, only sold four or five cars a year.

MR. ARGENIO: They closed in 1911.

MR. SCHLESINGER: That was before our time.

MR. ARGENIO: I have some procedural things I'd like to go through because I'd like to keep this thing moving, item number 2 lead agency under the SEQRA review process, if somebody feels so inclined, I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board take lead agency on the SEQRA process for the Cripple Creek Realty. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm will going to poll the board on the public hearing, I want to hear what they have to say and I certainly have a very definite opinion about it, how do you feel about the public hearing?

MR. SCHLESINGER: I feel that being that we have some residential people living right near this site there may be some issues as far as towers, sound, aesthetics, I think that maybe we should have a public hearing.

MR. BROWN: I agree.

MR. MINUTA: I concur.

MR. VAN LEEUWEN: I concur.

MR. ARGENIO: I could not agree more, I think we should have the public hearing for this and certainly I like my contemporaries on the board this is nice, this is good and I'm glad to see the property go into use certainly as I'm sure you're aware we do have an architect on the board and I want to see at the very least a front elevation of the building and I wouldn't think that you'd look upon this the same as we, as a board looks at the historical district parcels but we'd like to see something, Joe does that--

MR. MINUTA: That's the same thing with Silver their application last time with the law firm up the street absolutely nothing extravagant for this one, it's an existing building.

MR. ARGENIO: Do you have a problem with that?

MR. SHAW: We do have an architect and I believe he's making some minor changes to the exterior of the building but if you want to see what it's going to look like, take a ride by cause probably 90 percent of it will remain unchanged but we'll bring you in that elevation showing what it's going to look like.

MR. VAN LEEUWEN: A flag pole?

MR. SHAW: If I can find room, yes.

MR. ARGENIO: This is going to Orange County Planning, Mark, do we need to vote on that?

MR. EDSALL: No, it's got to go.

MR. ARGENIO: Check on the area of disturbance, check the threshold.

MR. SHAW: We're well under that. What I'd just like to demonstrate that on the left side of the plan is what I call the existing conditions plan that's what's there right now and then you can look over to the right and see what changes are being made and truly we're only disturbing this area through here.

MR. ARGENIO: The whole center is currently impervious and you're--

MR. SHAW: That's 1.4 acres and we're down here we're disturbing maybe 3/10 of an acre.

MR. EDSALL: Whole point is to get it on the record.

MR. ARGENIO: It's on the record.

MR. MINUTA: That will be asphalt parking area?

MR. SHAW: Yes, this is existing asphalt right now that's the limits and what you see shaded in will be asphalt when we're done.

MR. MINUTA: Thanks.

MR. ARGENIO: Greg, I think that's it.

MR. SHAW: I think so too. The only question I have if the board wants to have the public hearing can we set the date now or do we have to wait for Orange County, in other words, in 30 days I'm going to come back after

you've heard from the Planning Department or the time has expired and then at that point are we going to talk about a public hearing or maybe to save some time we can set it now?

MR. ARGENIO: Mark, what's the--

MR. EDSALL: The referral form is already done, Myra's got it, it will be sent out as soon as Myra has the first opportunity, they have authorized the public hearing, coordinate the date with Myra.

MR. ARGENIO: I'll accept a motion that we authorize scheduling a public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we schedule a public hearing for Cripple Creek. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

CLARINO_PROPERTIES_(06-15)

Mr. Anthony Coppola appeared before the board for this proposal.

MR. ARGENIO: Clarino Properties. This application proposes conversion of a residence to an office building with the construction of addition and site improvements, the application was reviewed on a concept basis only. This is represented by Mr. Coppola. What do you have for us?

MR. COPPOLA: What we're doing is taking this existing ranch style essentially a one story ranch style house at 361 Temple Hill Road and doing an addition more than doubling the size of what's there and converting it into an office, it's going to be a real estate office for Mr. Clarino.

MR. SCHLESINGER: Can't read your location plan, where are we?

MR. COPPOLA: You're on Temple Hill Road opposite the Cantonment.

MR. MINUTA: Directly?

MR. COPPOLA: No, I think it's--

MR. ARGENIO: Is it in that group of four or five residential homes?

MR. COPPOLA: Yes.

MR. EDSALL: It's pretty near to being opposite the entrance to the Purple Heart Museum, the main drive that you see going in so it's opposite the Cantonment property.

MR. MINUTA: Let's do this, depending on how this turns

out when we revise the plans show the location of the Cantonment again, that's a good idea.

MR. COPPOLA: Sure.

MR. ARGENIO: Please include the driveway of the Cantonment so we can see where this is but as I said before we're going to see this a few times.

MR. COPPOLA: So what we're doing is basically the existing one story frame house, it has full basement and the site slopes towards the rear, basically kind of a long and narrow slope slightly over an acre. We're converting the front of this building into an office, the lower level of the existing building which is now an unfinished basement that will be part of the office and then we're adding an L-shaped addition to the rear so you're going to end up with a basically L-shaped building that will all be part of the office. First thing I'm going to do is we have two site plan notes which are incorrect, started out with 5,000 square foot building, we increased it so total square footage of the building the existing plus the new is going to be 6,000 square feet. And that will be sprinklered under New Windsor Sprinkler Ordinance. We have met with the DOT resident engineer at the beginning of the project, we felt it was kind of important, right now, there's two entrances, looping entrance we're going to eliminate the one here which is on the north side of the property, she felt that the best location for our new entrance would be on the south so we're going to develop the two way entrance there again the slope goes all the way down, there's an exchange of about 10 feet between the top of the Temple Hill Road and the rear of our property. We're developing a small parking area in the front of six cars and then most of the parking is going to be in the rear, we need a total of 40 cars, one car per every 150 square feet, we'd like to keep this looping system so we basically kept the system where you can come basically look for parking in the

front and come back around all the way around to the front again instead of basically coming in and coming back out, this is two way so it kind of gives you the alternative to run through the parking lot and come back around, there's handicapped parking at the top and bottom, there's no elevator in the building but that's not required by the code but we're providing accessible entrances on each floor, like I said, it's about 9 or 10 foot exchange between the floors vertically. We have developed the site plan fairly well, we have a drainage, some rip-rap and drainage in the back of the pavement, there's existing grass area that's going to remain undisturbed that's all the way to the east side of the property towards the rear. We have shown site lighting, shown some landscaping, shown a dumpster location and we know again just based on what you just said for your last applicant that we're going to develop some facade drawings for you to look at, we haven't done that yet but we definitely will.

MR. ARGENIO: Since you're on that subject we're going to address that right now.

MR. MINUTA: Couple items with the--

MR. ARGENIO: Joe, give me just one second on this facade business, Anthony, we're obliged by the State of New York because this is in a historical district to look at the facade closely right next to the Cantonment as you know so I'm going to call on our resident architect, Mr. Minuta, and he's going to not in lieu of the other board members, in addition to the other board members, I'm going to let him take a look at it and he certainly has my vote in whatever he decides and he's pretty adept at that. I interrupted your presentation.

MR. COPPOLA: No, I was essentially done.

MR. ARGENIO: Okay, I'm going to give you this right now, this is for you, the letter I just handed him has

the fire marshal giving thumbs down on this application and I'm assuming it's because of that fire lane on the north side.

MR. COPPOLA: Is he looking for 30 feet now on that?

MR. BABCOCK: Yes.

MR. ARGENIO: I bet he is, Anthony, you have some things that you need to do, you need to clean your drawings up a little bit, if you would, the copy for sheet one is poor, it's impossible to review the parking space delineation, I'm reading from Mark's comments, parking lot dimension for the front lot should be 44 not 43, the drive when you look at the width of that drive connection you need to revise it, the turning radius for the vehicles Mark has a comment about that, he's questioning the reality of making a turn in that tight a radius and you also should clean up your standard details that you have in your computers as bank run which has not been available in our geographic area for many, many, many years, should be Item 4, we have been out of bank run in this area for years and yes, I don't think those are big things but certainly the things I'd like to bring to your attention. There are some procedural things we're going to go through but at this time, I'd like to get some input from my contemporaries here. Neil, do you have any thoughts, anything I didn't cover maybe?

MR. SCHLESINGER: That dumpster.

MR. ARGENIO: Yes, I see the dumpster, what are your thoughts, he has a masonry enclosure, maybe that should be something that we should give to Mr. Minuta and it would seem to me that should match whatever we arrive at for the addition, Joe, is that something you'd take a look at that?

MR. MINUTA: Yeah, in general, whatever we decide,

whatever the aesthetic may be for this area being in a historic district, whatever buildings, other structures on the site should have a familiar resemblance.

MR. COPPOLA: That's fine. Honestly, we probably won't go with a masonry structure here, you'd probably want to do more of a wood frame, we have a wood frame building right now.

MR. MINUTA: And that's exactly where I'm going with that and another, I'll tell you I've been visiting a couple sites locally, another pet peeve that I'm developing, yeah, it's great, we have the dumpster enclosures but it's much better if the dumpster enclosure actually cover the height of the dumpster so that's something--

MR. ARGENIO: Not covered but be of sufficient height so you don't have to see the dumpster.

MR. MINUTA: Exactly.

MR. VAN LEEUWEN: That way stuff doesn't blow out.

MR. ARGENIO: We're not here to kill you with it but architecture needs to be in keeping with what the Town is trying to achieve in that corridor.

MR. SCHLESINGER: What's the existing structures, wood frame?

MR. COPPOLA: It is.

MR. SCHLESINGER: Clapboard on the outside?

MR. COPPOLA: Yes. It's just your typical dated ranch style house.

MR. ARGENIO: Did you design the facade on the building?

MR. MINUTA: Shoot me.

MR. ARGENIO: Go ahead, Neil, I'm sorry.

MR. SCHLESINGER: Usually when you have a historic building this historic society wants you to conform with what's pre-existing there and extending it.

MR. ARGENIO: Talking about the existing building, Neil, it may predate.

MR. EDSALL: This is not a historic building.

MR. SCHLESINGER: What I'm saying is that you don't have a basis for continuing so we don't want cinderblock.

MR. MINUTA: With respect to that, I think there's enough historic reference locally to be able to draw off that for this project.

MR. SCHLESINGER: That's what I'm saying.

MR. BROWN: No, nothing.

MR. ARGENIO: Joe, getting passed the architectural issue do you have any thoughts on this?

MR. MINUTA: I'm not sure how I feel about the site plan just as yet with the parking in front of the building, I think we need to address that, we need to think about that but it's a new historic district with this area, it's something that's new to us that we're trying to feel our way through and the setback and the parking in the front I don't know, maybe it does, maybe it's fine but we can at least visit that.

MR. ARGENIO: Why don't you do the site visit, when you want to go over I'll take a ride over with you.

MR. SCHLESINGER: I don't know what they're going to want from you, what kind of changes.

MR. ARGENIO: He's saying there may be significant modifications to the plan, let's put the horse before the wagon.

(Whereupon, Mr. Van Leeuwen stepped out of the room.)

MR. COPPOLA: If you'd like to go there we'd offer to be part of that too if you want to do a site visit.

MR. ARGENIO: I want to go there with Joe and get some thoughts from him and then you have some kind of general direction from him already and we'll refine that next time. Joe, did you have anything else?

MR. MINUTA: Not at this time.

MR. ARGENIO: Henry whispered in my ear before he just stepped out that he did not have anything additional on this application. Mark or Andy, Henry just stepped out to use the men's room, we can have a vote, can't we?

MR. KRIEGER: Yes.

MR. MINUTA: Mr. Chairman, I just want to clarify we're requesting a full set of architectural drawings for this building as far as elevations, et cetera.

MR. ARGENIO: Yes, I think so.

MR. COPPOLA: We've got existing, it's time for us to develop some exterior elevations so we can do that.

MR. ARGENIO: Motion that we circulate a lead agency coordination letter for this project to begin the SEQRA review process.

MR. SCHLESINGER: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that we circulate lead agency coordination letter. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. BABCOCK: This access road unless the applicant has to have that I think that's what the fire inspector's office is talking about, he's only got 28 feet from the building to the property line, he's never going to get a 30 foot right-of-way or 30 foot wide blacktopped area and if he does the whole place is going to be blacktopped, I think that should probably be eliminated.

MR. ARGENIO: Unless there's something I'm unaware of if you can work that out with the fire inspector that's fine.

MR. COPPOLA: He's asking for a 30 foot aisle here too isn't he I think?

MR. BABCOCK: Yeah but what I'm saying is to eliminate some of the blacktop on this and get some landscaping in that access aisle.

MR. COPPOLA: We'll take a look at that and I'll speak to him about that too.

MR. ARGENIO: I'd like to know and again Neil touched on this at the last meeting relative to the access I'd

like to know how the fire apparatus is going to get in and out of there but as Neil pointed out at the last meeting and I agree with him the fire inspector's going to have to do a review, it, he's the expert that we pay to look at these things to determine if they meet code or not, I'm going to continue Mark relative to Orange County Planning Department this by law has to go to them so we don't need to take a vote on that. Myra, would you take care of that?

MR. EDSALL: Myra's already got the referral, she'll take care of it.

MR. ARGENIO: You need to submit to DOT, you're aware of that I'm sure.

MR. EDSALL: That's done by the Town, Mr. Chairman, so with your permission we'll refer it over for them.

MR. ARGENIO: I think we should do that, yes.

(Whereupon, Mr. Van Leeuwen entered the room.)

MR. ARGENIO: Applicant should determine areas of disturbance so a determination can be made as to the submittal requirements for the storm water pollution prevention regulations, are you over or under?

MR. COPPOLA: We're definitely under an acre.

MR. EDSALL: As long as they're on record less of an acre soil erosion plan.

MR. ARGENIO: I don't have anything else unless any of the board members have anything that they would like to comment in addition to what we have already discussed. Thank you for coming.

JACOPINO_(FOR_FARICELLIA'S_MARKET)_(05-12)

Mr. Jay Coppola appeared before the board for this proposal.

MR. ARGENIO: Jacopino, proposed additional two apartments on Walsh Road and Clancy Avenue. The application proposes two additional apartment units in a second story on the existing deli building. The plan was previously reviewed at the 11 May, 2005 planning board meeting. So let's see what you have there, Mr. Coppola, you went to zoning, is that right?

MR. COPPOLA: Yes.

MR. ARGENIO: Specifically what variances were you looking for and what variances were granted?

MR. COPPOLA: Well, we we're looking for a use variance and I think with the use variance there's no specific, they don't list the deviations from the variance so when you get the use variance, it basically covers everything that's on your plan, the number of parking spaces, the setbacks, the density, all those types of things because this is a non-conforming use in that zone. So the variance we were in front of the zoning board on March 13 and granted, that use variance was granted that night. The owners were at that meeting, there was someone from my office at that meeting and there was a large portion of their neighbors at that meeting, we have a list of that. So basically they had a public hearing on March 13, it was well attended and I think one of the reasons they received their variance is because they had a lot of support from their community.

MR. ARGENIO: Mike, can you agree with that?

MR. BABCOCK: Yes.

MR. ARGENIO: Was it unanimous as you remember?

MR. BABCOCK: I don't know that, I would say that but if anything I would say it was close.

MR. KRIEGER: There were two people that spoke against it and five or more spoke in favor of it and in addition they submitted a written petition of persons in favor of it.

MR. ARGENIO: Would you--

MR. KRIEGER: It was one of the larger public hearings I can remember the zoning board having.

MR. ARGENIO: Go ahead.

MR. COPPOLA: Yeah and not to reiterate on that but through Dan Bloom which represented the owners they did their homework, they showed their financial hardship and got the support from the community and I think that's the reason they got the variance and the site plan is really not too different than the one we presented in November when we were here. Just to review that quickly, it's a second story addition, there's going to be two additional dwelling units on top of the existing deli, there's four bringing the total number of dwelling units to four, there's one in the existing lower level of the deli now and there's another detached building adjacent to the deli on this partial here that's existing. What we're proposing is off Clancy Avenue towards the rear is an 8 parking space parking lot that's going to be, there's going to be a 12 foot easement so that the driveway access will be on the adjacent property, we'll get you a written legal description of that and we went to workshop with Mark I think last month and there's not too much here just a curb that we're pitching the pavement back towards Clancy, there's an existing carport that's going to be removed, there's some existing pavement

there but there was suggested that perhaps just use the existing pavement, go gravel with the rest but just decided to kind of pave the whole thing instead of having two different surfaces.

MR. ARGENIO: Does the lot pitch towards Clancy?

MR. COPPOLA: Yes, it's relatively flat so we can bring that up to get the pitch that we need right there. And that's really your only site improvements, I mean, there's no room in the front, there's just the parking lot that's off Walsh Road for the deli for maybe four or five cars, there's virtually no place to put landscaping or anything like that, it's really what you have.

MR. ARGENIO: Mike, can you, I'm curious, can you tell us a little bit about the building, the area he's talking about making apartments, what was it, how is the proposed, I can't imagine you got the variances but that's not this board, that's a different board.

MR. VAN LEEUWEN: Going to put two apartments on top of this.

MR. ARGENIO: Tell me about the code, how does the current building not conform and how does how do the revisions conform or not conform? Are we approving the safety and such for this building or is the non-conformance becoming more or less?

MR. BABCOCK: I would say well it's an R-4 zone this whole thing is really permitted single family dwelling, what's existing there now is non-conforming so yeah, they are adding two more units to make it more non-conforming but they're going up, they're not going out.

MR. COPPOLA: I mean just to jump in on the building code one big thing we went through this with property

for Carmen up the street.

MR. BABCOCK: Monaco.

MR. COPPOLA: We added dwelling units in an existing multiple family, you have a mixed occupancy but the building code requires at least new units to be sprinklered, I'm reasonably sure of that.

MR. ARGENIO: I'm going to read to you here from the fire inspector, must be noted that the building will exceed 5,000 square feet and must therefore comply with the Town Code which calls for sprinkler system in the building. Mark, isn't that State Code?

MR. BABCOCK: It's Town Code.

MR. COPPOLA: But the state would require at least apartments to be sprinklered and I think the Town requires the entire building to be sprinklered.

MR. MINUTA: Town requirement's 5,000, State Code is much greater.

MR. COPPOLA: Mr. and Mrs. Jacopino are aware of so it is something that we discussed.

MR. ARGENIO: Oh, okay.

MR. SCHLESINGER: Parking, additional parking?

MR. COPPOLA: We're providing 8 parking spaces in the rear that roughly covers two spaces per dwelling units so that's an improvement over what you have, you really only have parking now, I mean, there's a carport in the back that's kind of unimproved so that's much better than what's there now and then the deli parking is really just in the front that remains unchanged.

MR. ARGENIO: It is what it is.

MR. VAN LEEUWEN: It's not going to hurt anything really in my book, I know the area.

MR. ARGENIO: The deli parking, I'm worried about the structure, Mike, how do you feel about the structure?

MR. BABCOCK: Well, I, actually, Mr. Chairman, I don't know so I couldn't answer that but I'm going to rely on Mr. Coppola that he's here tonight that he's looked at this building and he's confident that what he wants to put on the second floor is going to work. So I really judge and I have worked with him in the past and on projects like this and he does an excellent job so--

MR. COPPOLA: Thank you very much.

MR. BABCOCK: I'm confident it will work.

MR. VAN LEEUWEN: Block building?

MR. COPPOLA: It's block.

MR. VAN LEEUWEN: That should be no problem.

MR. ARGENIO: Mark, I want to ask you about that after I read it and Andy, municipal fire on 5/10 of '06 is approved and underneath that it has there but must be noted that the building will exceed 5,000 square feet and must therefore comply with Town Code 142-16 which calls for sprinkler system in the building. I interpret that as the fire inspector has approved this use as long as the building is sprinklered.

MR. BABCOCK: What happens is there's two avenues, you either need to sprinkler the building or get a waiver from the sprinkler section of the code which can happen so that's their choice.

MR. ARGENIO: Fire inspector would be the one to grant

that waiver.

MR. BABCOCK: It's the Bureau of Fire Prevention which some of the fire inspectors sit on.

MR. EDSALL: That would have to be resolved before they can get a building permit.

MR. ARGENIO: I want to go around the room and talk to my fellow board members then I want to go around the room and talk about item number 4, Neil, do you have anything on this?

MR. SCHLESINGER: Gentlemen, I want to go back to I don't know whether that was emphasized item number 1 deli use is pre-existing but non-conforming but the multiple apartment use is also non-conforming in the zone and so therefore we're increasing the non-conformity. Okay, now that was approved by the ZBA?

MR. ARGENIO: Correct.

MR. SCHLESINGER: And if I remember correctly that when we referred this to the ZBA trying to be nice about this I just didn't think that we'd be seeing you again.

MR. COPPOLA: You remember correctly.

MR. ARGENIO: We referred it with a negative recommendation.

MR. SCHLESINGER: We referred it cause that was the procedure.

MR. COPPOLA: I understand, you're remembering correctly.

MR. SCHLESINGER: I just wanted to highlight that, that's all.

MR. BROWN: No comments.

MR. ARGENIO: Joe, do you have any thoughts on this?

MR. MINUTA: Do we have access around the building for fire?

MR. COPPOLA: On the sides of the building?

MR. MINUTA: Yes.

MR. COPPOLA: No, I don't think, I mean, there's, it's not mentioned but it's only a few feet, well you're on the lot line on the northern part so nothing there and there's an alleyway that tapers for probably five feet to three feet I would guess.

MR. MINUTA: So there's no way to get a vehicle therefore sprinklers is definitely something that should happen whether it's required by code or not on the non-conformity. The existing deli now there's you raised the issue earlier of financial hardship on this property?

MR. COPPOLA: That was addressed at the zoning board, they needed to do that for their use variance, so I don't have that with me tonight but--

MR. MINUTA: So I'm that's fine with regard to financial hardship, I'm assuming that they're planning on adding these two apartments to make this financially successful for them at this point?

MR. COPPOLA: That's correct.

MR. MINUTA: Thank you.

MR. ARGENIO: Henry, do you have anything?

MR. VAN LEEUWEN: Well, I really don't see a big problem, it's not, we put two apartments, it's not going to hurt anything but that's about all I have to say at the moment.

MR. ARGENIO: I have a thought here and I don't usually do this but I'm going to speak first on this issue relative to number 4 in the review comments, I think that we're, and before I say this, I want to say that I recognize that this family is an old family, been in New Windsor for a long time trying to conduct a business and demonstrated financial hardship for the zoning board and kudos to them for getting to the point where they're at with this application, however, that doesn't excuse this board from conducting our due diligence in making sure that we've done an appropriate review and to that end relative to number 4 I think we should have a public hearing on this for the Planning Board's benefit. Now I understand that Mr. Krieger has and Mike have also said that the turnout was for the most part favorable but I want to see what the other members have to say before I make a decision because there's a lot going on here and that's how I feel about it. I am one vote, there are four other members here and I'm going to go around the room and start with Neil.

MR. SCHLESINGER: I agree with you.

MR. BROWN: Yes, we should have a public hearing to see what the people's feelings are about this.

MR. MINUTA: I always like to hear from the public.

MR. VAN LEEUWEN: Well, I think we're putting a lot on one piece of ground and I agree with the rest of the members.

MR. ARGENIO: Anthony?

MR. VAN LEEUWEN: We've got to cover our backsides.

MR. ARGENIO: Not a question of trying to slow you folks down and I understand your hardship, let's get it done.

MRS. JACOPINO: We had one, and the two people that spoke only wanted to see where the site plan was, they didn't realize that Michael Faricallia gave us the usage, permanent usage.

MR. ARGENIO: Ma'am, would you stand up please and tell me who you are?

MRS. JACOPINO: My name is Ellen Jacopino and we own Faricellia's Market. We were there and they all spoke, I made a list of all the people that came to the meeting and spoke in our behalf stating why they wanted us, they thought it would improve the neighborhood, it would look nicer if we had it, they saw no reason, it's such a multiple, if you ever went up and down Walsh Avenue its' so multiple dwelling I think they figured there was only 4 one family homes on that whole street, the two people were on the back of us, the one side he was wondering how the cars were going to be parked because right now we only have, we actually park two in the back and two in the front and he was curious because they didn't realize that Michael Faricellia was going to give us this permanent easement on the deed, they asked if they could come up and look at the plan. The Chairwoman said when it was their chance to look, I mean, Michael (sic.) Bloom said come on now and the Chairwoman said you had to wait until it was your turn and they wanted to see where that was. Their only concern was the parking, once they saw we had eight that was there biggest objection to it, they didn't have any other objection, they said that we're going to have more traffic in the back and then of course all the people spoke again saying that even in the back of the neighborhood it's, we're not really the commercial,

I mean, residential, it's very commercial, we have daycare back there, we have the Sentinel Newspaper back there, we have a trucking company back there, so there's a lot of and after these two spoke about the two parking nobody had any objection and they didn't even have an objection at the end. And I'm telling you we had 9 people speak and very, you know, positive to us including that they thought it would clean up the, make it look even prettier and welcome more people into the neighborhood. And then we had more people that were just there that didn't want to speak because they are nervous of speaking and we had at least 80 on a petition of all the neighbors, I walked up and down Walsh, I walked every neighbor in the back and everybody was for us, I mean, I guess the fact we're there 20 years not to say or pat myself on the back they like us, we're just hard working people that it's just family people that work in the store are neighbors so they just want to encourage us, they want us to stay, they don't want to us close the store, they want us to stay.

MR. ARGENIO: I'm with you and I take no exception to anything that you said, no exception at all and I'm all for keeping the families that built this Town in this Town and keeping them in business, I think it's a good thing, I mean, I'm in a tough spot here, I mean, I really I have no interest in holding you up, ma'am, and I think the other members here, I don't want to speak for them but I think they feel the same way, no interest in holding you up and would love to see you continue. I've driven passed that store since I was little, I was born and bread here.

MR. MINUTA: I second that.

MR. ARGENIO: But I think that, you know, one thing about a public hearing if you have it and hear me on this because this is for your benefit as well if you have it and I understand there's some level of

redundancy with two boards, nobody can ever come especially with a use like this and I agree with you when you say it's that whole neighborhood is a mish-mash, there's a lot of different things, I understand and agree with that if there's ever a place where you're going to get these type of variances it's in this corridor here but having said that there's nobody if you have a public hearing and again the purpose of it is so we can hear what the people have to say if you have it nobody ever can come to you later on or come to us at a later, at a later date and say nobody told me, why wasn't I told, I didn't know or such thing as that and I say this often, I'm only one member but that's how I feel. I have no problem with this, I think it's a not a great situation but I understand your situation and kudos to you for getting the variances that you need but I think we should hear--

MRS. JACOPINO: But you just had the public hearing on March 13, I mean, it wasn't that long ago that they only just came, you know, and--

MR. ARGENIO: I understand ma'am and I have no interest in jamming anybody up or slowing this thing down but--

MR. VAN LEEUWEN: Ma'am, basically what we're trying to do is I think everybody will agree we're trying to cover our on butts in case something goes wrong we can say let me finish please that they people can't say look, you didn't do it right, we get a lot of that as it is and we try to do it right, we can't always do it right because zoning doesn't always let us, okay, I have no problem with this thing, I told you that, okay, all we'd like to do is have a public hearing, cover our butts and I think we can approve it that night.

MR. ARGENIO: I agree with that and ma'am believe me it's not our interest to jam you up and I assure you that we'll put you on as soon as it physically can be

done, I can, Myra, please as soon as this thing can physically be executed, I want to get it done and as Henry said we can get this through at that meeting.

MR. BABCOCK: Mr. Chairman, maybe I can add something, I don't, Mr. Coppola, you can for your client too, they may be going to request a waiver from a complete sprinkler system throughout this building, what I would suggest they move forward with that, write me a letter if that's your request because the construction is going to change based on the sprinkler system or not.

MR. COPPOLA: You're talking about New Windsor's ordinance or state?

MR. BABCOCK: New Windsor's ordinance, so if you want to write me a letter, we can get that process going right now if it's okay with this board.

MR. ARGENIO: Certainly.

MR. BABCOCK: This would not hold you up.

MR. ARGENIO: Ma'am, we're giving you every favorable indication that we can give you, I'm stopping just short of having a vote, I'm trying to, we have an obligation to protect the people of the Town and that's the people in the neighborhood and I have no reason to believe that anything is going awry here but that's what we need to do and everybody here has indicated that we're looking favorably on this, it's a procedural thing as Mike said, start getting your ducks in a row for your next step and let us do what we have to do.

MRS. JACOPINO: I guess at this point we're so impatient and we waited so long and got thrown around so many times that we thought today was going to be our day.

MR. ARGENIO: We're not here to throw you around.

MR. SCHLESINGER: I think the Chairman is being very nice and letting you talk.

MRS. JACOPINO: And I agree, I'm happy to have the opportunity.

MR. SCHLESINGER: Based upon everything that you said I don't think there should be any concern on having a public hearing as a procedure, I personally feel that it is necessary and I think that you should be very thankful that you're here this evening and I also feel that the amount of additional time at this point is insignificant and that we could all cross our Ts and dot our Is and go forward.

MR. ARGENIO: You have leaped over the hurdle that was at the ZBA, you're beyond the hurdle, believe me.

MRS. JACOPINO: And we thanked God and Dan, Dan Bloom and Anthony.

MR. ARGENIO: You're over the hurdle and I want to stop short of giving you any assurances in it but unless something comes out of the public hearing that I really don't expect--do you understand? I really truly do hope you understand.

MRS. JACOPINO: I do, I guess I may be even Dan Bloom misled us by thinking today was going to be our day and we came to support even though Anthony said I didn't have to come with my husband but we're as I said we just wanted to hear all the comments so here we are and Dan Bloom said that he thought again maybe I shouldn't of misquoted him but he felt that once we got the variance not to say it's clear sailing but an easier sail down the road.

MR. SCHLESINGER: That was the highest hurdle.

MRS. JACOPINO: That's what he said and as I said if, you know, the people they all just had really better things actually a few of them said they wanted to come with me tonight but--

MR. VAN LEEUWEN: I wish they had.

MR. ARGENIO: Mrs. Jacopino, when we do have the meeting, send Anthony, stay home, wait for the phone call.

MRS. JACOPINO: Oh, no, no, no, you don't know me.

MR. ARGENIO: I can see what you're about but we need to do what we have to do and we need to do that and we're going to do that and stay home, have a cup of coffee and wait.

MRS. JACOPINO: I'll sit with all my friends back here.

MR. ARGENIO: As I said, let me just add this to give this to you and we'll leave on this note, certainly we understand the positive comments I don't think there's any need for you to have all your friends come in, we just want to make sure that nobody is going to come in and offer additional information that we don't have right now that could sway us left or right, certainly we're aware of the favorable indication that your friends and associates in the neighborhood have given so there's no need to inconvenience them. Do I speak for everybody?

MR. VAN LEEUWEN: Yes.

MR. MINUTA: Yes.

MR. VAN LEEUWEN: Before you leave, talk to Anthony.

MR. ARGENIO: Mark, anything else that we need to do?

MR. EDSALL: No and I think one other point that Mike just mentioned to me is that Anthony could move forward on with his client's permission to start to get some of the building plan issues moving so that they'll be that further along when this board assuming that you go ahead and approve.

MR. ARGENIO: I'll accept a motion that we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare ourselves lead agency on the Jacopino site plan. No further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: Motion for public hearing.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we schedule a public hearing for Jacopino site plan. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE

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MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MC_CARDLE/MELROSE_LOT_LINE_CHANGE_(06-17)

Ms. Pam McCardle appeared before the board for this proposal.

MR. ARGENIO: McCardle/Melrose lot line change.

MS. MC CARDLE: I'm Pam McCardle, this is I think you all have a copy of this proposing a lot line change and it's trying to get a little bit more to conforming and it's 20 feet to the back 15 to one side and no 14 on the one side and 16 on the other.

MR. ARGENIO: I'm sorry, ma'am, show me the line that you want to move.

MR. EDSALL: See the dotted line?

MS. MC CARDLE: All around the back we currently own that inside dotted area and not the outside.

MR. VAN LEEUWEN: You're buying the outside?

MS. MC CARDLE: Right, we're purchasing the outside from Melroses and his is 14 I think and a half acres.

MR. ARGENIO: You're going to make your lot bigger?

MS. MC CARDLE: Correct, we're currently 50 by 100 and we'll be going to 79 x 120.

MR. ARGENIO: Which is how many feet?

MS. MC CARDLE: Proposed is 9,473 square feet down at the bottom there.

MR. MINUTA: Are we coming into compliance with the current code for this lot with setbacks, et cetera by this addition?

MR. BABCOCK: It's only getting better.

MS. MC CARDLE: Because we're in the historical corridor and we're zoned the way we're zoned we have 40 foot setbacks basically our house shouldn't be there.

MR. VAN LEEUWEN: What's your proposal for this house?

MS. MC CARDLE: We're currently just trying to gain property around it so we have a little breathing room, we currently own two feet on one side of our home and originally the entire property around us was family owned, we purchased the small lot and the home on it and Melrose purchased the entire area around us and the two other homes which are rentals currently we're going to put on a deck without having to go through a bunch of variances.

MR. VAN LEEUWEN: You're only improving the lot?

MR. SCHLESINGER: Just making the lot bigger.

MS. MC CARDLE: We're buying more property so we have a little more space, little breathing room and down the line if we can if we want to expand we would have less trouble doing so.

MR. ARGENIO: Mark or Mike, is there any other nuances associated with this that we can't see on the plans?

MR. EDSALL: It's extremely simple, the only complication is the referral to the County.

MS. MC CARDLE: I believe it was sent.

MS. MASON: Not yet.

MR. EDSALL: Referral form's done and it will be sent out.

MR. ARGENIO: We have fire and highway already.

MR. VAN LEEUWEN: I'll make a motion to approve it subject to the County approvals.

MR. ARGENIO: Well, I don't think we can do that.

MR. VAN LEEUWEN: We used to.

MR. ARGENIO: Laws have changed, Mark Edsall, can you shed some light on that?

MR. EDSALL: I'd love to tell you you could but I don't believe you can.

MR. ARGENIO: Henry, I'm with you, the less things that we can have on this agenda the better off we are.

MR. BABCOCK: It doesn't get them anywhere, once we get that back, they get on the next agenda, it's approved.

MR. ARGENIO: We can assume lead agency.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board assume lead agency for the McCardle/Melrose lot line change. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Again, unless anybody disagrees, I think this is, should be declared a negative dec.

MR. SCHLESINGER: Make a motion.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec on the McCardle/Melrose lot line change on Forge Hill Road. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Public hearing?

MR. SCHLESINGER: Motion that we waive the public hearing.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board waives preliminary and final public hearing for the McCardle/Melrose lot line change. No further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We have to hear back from planning and you heard the tone here when we hear back from them, come and see us.

MR. EDSALL: Mr. Chairman, it might, if the board has absolutely got no reason why they wouldn't approve it other than just getting a piece of paperback, perhaps you could share with the applicant that you will process an approval resolution and save them \$3.15 a gallon on the need to come over here for really no reason.

MR. ARGENIO: Does anybody take exception to what Mark said?

MR. SCHLESINGER: Fine with me.

MR. BROWN: Very good.

MR. MINUTA: No exception.

MR. VAN LEEUWEN: No exception.

MR. ARGENIO: I don't take any exception to that so you are so directed as Mark Edsall you have been so directed by Mark Edsall by the board as per Mark Edsall's comment.

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DISCUSSION

CENTRAL_HUDSON

MR. ARGENIO: Central Hudson landscaping, tell me about the landscaping that's owed us by Central Hudson on Union Avenue.

MR. BABCOCK: It's complete per the plan.

MR. ARGENIO: Thank you for that.

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CHANGE_IN_PROCEDURE_FOR_APPLICATIONS

MR. ARGENIO: I have one other thing I want to go through no kidding I have something that I do want to go through and I want to be brief about it, it should be a brief item but I do want to tell you guys and mention it to you cause if anybody strongly disagrees we can take a different direction, I want to change the procedure, we want to change the procedure, Mark, myself, Myra and Mike Babcock that we have for the timing of the applications that we receive and right now the policy is to be on the agenda for Wednesday, the Town, Myra needs the application by the previous Friday which is incredibly short timeframe to do reviews and get comments and the things that need to be done, it's laughable it's so short. What precipitated this was just real briefly what precipitated I was, there's several things that I wanted to go over with Mark and I couldn't because he had a million things going, we also have additional requirements nowadays that we didn't have 5, 8, 6 years ago, more stuff with SEQRA, Orange County Planning and the big thing with me is and I want to share this thought with you guys there's too many subject-tos on a final approval, now there's always, I shouldn't say there's always going to be subject-tos but there will be subject-tos, it's going to happen, it can't not happen.

MR. VAN LEEUWEN: It's been a problem for 20 years.

MR. ARGENIO: Again the reason there's so many subject-tos because people that are out there that need to see the plans, professionals as Neil refers to them as the fire guy, the highway guy, they don't have time to review the plans and get them back, they need time, we're going to give them time. New policy very simple and I'm getting right to the point if the meeting's on a Wednesday, not the Wednesday before but the Monday before that you have to have your stuff in to Myra 16 days, we need a little bit of time and if I want to

call Minuta or Schlesinger or Brown or Van Leeuwen and say hey, go take a look at that because you may want to, we may need a little input at the meeting, I want to have the opportunity to do that, I don't have the opportunity to do it now.

MR. EDSALL: Probably the biggest thing that's new in comparison are the new storm water regulations to get a complete storm water review done and find out if the project's viable and see if things are in order, it's no two minute job, you know, we bring in our storm water specialist, I have to coordinate it and it's just, it used to be ten days, then it was seven, all of a sudden Wednesday turned into Friday, I can't get there Friday, I'm doing reviews the day before the meeting which is not fair, it's crazy.

MR. MINUTA: Is two days enough?

MR. ARGENIO: No, he's kidding when he said two days.

MR. MINUTA: Bottom line of my question is is that enough for you because more importantly we have a thorough review.

MR. EDSALL: This gives us time to coordinate things.

MR. ARGENIO: Currently three days, we're changing it to 16, I know that's a lot and I would rather not go to 16, I'd rather go to 10 or 9 but the way that the dates fall with Myra's demands from zoning and other areas that's the way it had to go to be very frank with you.

MR. VAN LEEUWEN: The subject-tos that's one reason Myra's here, started here in the first place cause Mike suggested it many years ago, 15 years ago.

MR. ARGENIO: Mike, I'm going to give you a chance, I don't have a problem with the subject-tos, I really don't and they're going to be there but you know what,

they're getting voluminous, they're getting voluminous, there was an applicant several meetings ago I had a page and a half of comments and you know what, the applicant wanted a subject-to. Do you know why? That's what he's seen before here, it's too much.

MR. BABCOCK: The other thing about the subject-tos just use an example of the driveway highway entrance or something you say subject to the Highway Department this guy goes to the Highway Department and the Highway Department says I want the driveway over here, you can't anymore cause you got him locked in, you got to accept it so you're making people accept things that they may not accept, that he may not want to accept.

MR. ARGENIO: Who agrees with the new policy?

MR. SCHLESINGER: I'm in favor.

MR. MINUTA: I'm in favor.

MR. VAN LEEUWEN: I'm in favor.

MR. BROWN: Yes.

MR. KRIEGER: This is not a negative comment about the policy but bear in mind that there are time limits in both the Town Law and the State Law with respect to when an application has to be acted on.

MR. ARGENIO: Are we outside of those?

MR. KRIEGER: No, you're not and this expanding this application time, lead time that you talk about does not push outside the time limits, however, be aware that the clock starts ticking earlier now for that so that if when you have a, it's particularly important when you have an application that goes on and on and on because there are a number of revisions it may be necessary for them to waive the time.

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MR. ARGENIO: Record should reflect we have no interest in slowing anybody down, just trying to make our operation more efficient and thorough. Having said that, motion to adjourn.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer